



State of California  
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**Inquiry:** Is it within the scope of practice for any licensed RCP to perform Apnea Testing to confirm brain death of a potential organ donor without a physician being present?

**Response:** The qualification of brain death in California requires that two independent physicians assess the patient to establish the patient's brain function or lack thereof. I do not believe that allowing a licensed RCP to perform this function in the absence of a physician meets the brain death criterion. This function would clearly be outside of the RCP's scope of practice.

Reference # 2003-C-21